

Application No. 10/823,408
Amendment AF dated April 20, 2006
In Reply to Final Office Action of November 23, 2005
Attorney Docket No. 0388-043850

REMARKS

I. Introduction

The Final Office Action of November 23, 2005 has been reviewed and the Examiner's comments carefully considered. The application has been amended to place it in condition for allowance or in better form for Appeal. The present Amendment amends claims 18, 23, 27 and 28 in accordance with the originally-filed specification and cancels claim 26. No new matter has been added. Accordingly, claims 1-3, 5, 10, 14-19, 21-25, 27 and 28 are pending in this application, of which claims 1, 23 and 27 are in independent form. In view of the above amendments and the following remarks, Applicants respectfully request entry of the present amendment and favorable reconsideration of the claims.

Applicants thank Examiner for indicating claims 1-3, 5, 10, 14-19 and 21-25 define over the prior art of record and are allowed.

II. Information Disclosure Statement

Applicants timely filed an Information Disclosure Statement in this application on January 26, 2005 along with a properly annotated Form PTO/SB/08A. Applicants have not received an initialed copy of the Form PTO/SB/08A indicating that the Examiner considered the references identified therein. However, after accessing Public PAIR on the United States Patent and Trademark Office website, Applicants acknowledge that the Examiner did in fact consider the references identified on the Form PTO/SB/08A submitted, which was stamp dated January 31, 2005 by the OIPE, and initialed that copy of the Form submitted confirming Examiner's consideration on April 8, 2005.

III. Restriction Requirement and Rejoinder

Applicants acknowledge that claims 4, 6-9, 11-13 and 20 have been withdrawn in accordance with the Election With Traverse filed January 26, 2005 in response to the Office Action of November 26, 2004. Although Applicants respectfully reserve the right to present such

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claims in a later filed continuation or divisional application, Applicants also wish to point out that the Examiner indicated that claim 1 "appears to be generic" in the Office Action of November 26, 2004. Accordingly, Applicants also respectfully submit that allowed independent claim 1 is generic to withdrawn claims 4, 6-9, 11-13 and 20. In the interest of efficiency in prosecuting this application and the subject matter claimed herein, Applicants respectfully request that withdrawn claims 4, 6-9, 11-13 and 20 be rejoined based on the allowance of generic independent claim 1. This will save costs for Applicants and valuable examining time for the Examiner in not having to examine claims 4, 6-9, 11-13 and 20 in a divisional application based upon an allowed claim in the present application.

IV. 35 U.S.C. § 103 Rejections

Claims 26-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2002-151571 to Nagate ("JP '571"). Claim 26 also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,676,365 to Adam et al. (the "Adam" patent). Claim 26 has been canceled and therefore the rejection of claim 26 is now moot. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and withdrawal of these rejections.

The rejection of claim 27 may be based upon a misunderstanding of the JP '571 reference in which Applicants wish to clarify with the Examiner. JP '571 does not disclose a "dust-removal filter" as suggested in the Office Action in the annotated drawings of Fig. 5 of JP '571 attached to the Final Office Action. Rather, JP '571 discloses a heater 204, which has been verified by our Japanese counsel. Further, the title as published in the Patent Abstracts of Japan for JP '571 describes the invention as a "Substrate Heating" apparatus. Absent objective evidence to the contrary, Applicants respectfully request that Examiner acknowledge element 204 for what it represents, i.e., a heater. In addition, although JP '571 does suggest that a "blower" may be in communication with a conduit 166, it does not disclose where such "blower" may be located, how it would be configured, what kind of blower may be appropriate for a given application, etc.

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When making a rejection under 35 U.S.C. § 103, the Examiner has the burden of establishing a *prima facie* case of obviousness. See MPEP § 2143. To establish a *prima facie* case of obviousness, the prior art reference (JP '571) must teach or suggest all of the limitations in the claim. See *id.* Still further, a suggestion or motivation to modify JP '571 to include the missing limitations must be shown in the prior art itself or in knowledge available to one skilled in the art (i.e., the prior art). See *id.* An implicit showing of the suggestion or motivation to modify is "what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." See MPEP § 2143.01.

JP '571 fails to teach or suggest a dust-removal filter, as discussed above. JP '571 fails to teach or suggest an electric fan. JP '571 fails to teach or suggest any air-supplying means supported by the frame as claimed in independent claim 27. JP '571 further fails to teach or suggest a housing supported by the frame that accommodates the filter and fan. For at least these reasons, JP '571 fails to teach or suggest all of the claimed limitations of claim 27 and thus no *prima facie* case of obviousness can be established. Applicants respectfully request that the rejection of claim 27 be reconsidered and withdrawn.

Still further, there is no teaching or suggestion to modify JP '571 in a manner that would render the claimed invention obvious. Applicants respectfully assert that the unsubstantiated statement in the Final Office Action that modification of JP '571 to include limitations not disclosed for "making the unit more portable and requiring less space" does not provide the requisite showing of a suggestion or motivation to modify from the prior art. This bare statement about portability and space does not establish an implicit showing either. Accordingly, a *prima facie* case of obviousness is not established because there is no requisite suggestion or motivation to modify and Applicants respectfully request reconsideration and withdrawal of the rejections of claim 27 for at least these additional reasons.

Applicants have invented a device which includes several patentable claimed features as discussed above, and the cited prior art, whether considered alone or in combination, fails in any way to teach, disclose or even remotely suggest such a claimed invention. For at least

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the foregoing reasons, independent claim 27 is not obvious in view of JP '571. Claim 28 depends directly from and includes the limitations of claim 27. Accordingly, because JP '571 does not teach each and every element of independent claim 27, each and every element of claim 28 is also not taught. Further, there is no requisite suggestion or teaching to modify JP '571. Therefore, reconsideration and withdrawal of the rejection of claims 27 and 28 are respectfully requested.

V. Conclusion

For at least the foregoing reasons, independent claim 27 is not rendered obvious over JP '571 nor any of the prior art of record, whether used alone or in combination. Claim 28 depends directly from and includes the limitations of claim 27 and is also not rendered obvious. There is no hint or suggestion in any of the references cited by the Examiner to combine or modify these references in a manner that would render the invention, as claimed, obvious. Reconsideration and withdrawal of the rejection of claims 27 and 28 is respectfully requested.

Respectfully submitted,

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